



Atty. Dkt. No. 086142-0603

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hiromichi YOSHIKAWA
Title: OCCUPANT PROTECTION
SYSTEM
Appl. No.: 10/747,957
Filing Date: 12/31/2003
Examiner: George D. Spisich
Art Unit: 3616
Confirmation Number: 6957

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the New Pre-Appeal Brief Conference Pilot Program, announced July 11, 2005, this Pre-Appeal Brief Request is being filed together with a Notice of Appeal.

REMARKS

The Final Office Action that was mailed on April 16, 2007 has been reviewed and the Examiner's comments have been carefully considered. Claims 1, 2, 6-14, and 16 stand rejected and are submitted for reconsideration.

In accordance to 37 C.F.R. § 1.133, submitted herewith is a record of the substance of the telephonic interview held on June 19, 2007, with Examiner George D. Spisich, regarding the above-captioned application. The statements made in the Interview Summary correctly reflect the comments made during the telephonic interview.

Claims 1, 2, 6, 7, and 14 - Saiguchi

Claims 1, 2, and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication No. 2001/0011810 (hereinafter “Saiguchi,” sometimes referred to in the Office Action as “Hiroaki”). Claims 6, and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Saiguchi. The rejection should be withdrawn for at least the following reasons.

Independent claim 1 calls for an occupant protection system that comprises, among other things, an airbag disposed between a seat cushion and a seat pan and a bag enclosure with a perimeter that “is smaller than the perimeter of the airbag in a fully inflated condition.” Independent claim 14 calls for an airbag device that comprises, among other things, an airbag and a bag enclosure in which “a circumference of a cross-section of the bag enclosure in the width direction of the seat pan is smaller than a corresponding cross-sectional circumference of the enclosed portion of the airbag when fully inflated and not enclosed by the bag enclosure.” Saiguchi fails to disclose, teach, or suggest such an occupant protection system or such an airbag device.

According to the Examiner, Saiguchi discloses an enclosure 632 surrounding an airbag 630. The Examiner contends that the enclosure 632 has a perimeter smaller than the perimeter of the fully extended state of the airbag 630. See Final Office Action at p. 2.

In Saiguchi, the airbag 630 is initially restricted by the enclosure 632 and then, after the expanding airbag 630 applies a sufficient force, a stitching 632a breaks, which allows the enclosure 632 to fully open and the airbag 630 fully expands. See Saiguchi at ¶ [0268]. After the airbag 630 fully expands and the stitching section 632a breaks, the perimeter of the enclosure 632 of Saiguchi is larger than the perimeter of the airbag 630. The stitching 632a does not alter the actual perimeter of the enclosure 632. See Saiguchi at ¶ [0268] and at Fig. 47. When the stitching breaks, the airbag 630 is no longer restrained by the enclosure 632 and thus, the enclosure 632 does not have a perimeter smaller than the perimeter airbag 632 at the fully inflated state as called for in claim 1. Furthermore, when the stitching breaks, a circumference of a cross-section of the bag enclosure in the width direction of the seat pan

would be “smaller than a corresponding cross-sectional circumference of the enclosed portion of the airbag when fully inflated and not enclosed by the bag enclosure” as called for in claim 14.

The Examiner further contends that the rupturing of the enclosure 632 is fully dependent on the impact forces of the passenger and may not happen and that the phrase “fully inflated state” means that the airbag is inflated to its fullest extent. Final Office Action at p. 7. However, the airbag 630 in Saiguchi appears to be inflated to its fullest extent only when the enclosure 632 breaks. See Saiguchi at ¶ [0269]. Thus, if the enclosure 632 does not break, the airbag is not yet at its fullest inflated state. When the enclosure 632 does break, the airbag 630 is able to fully expand without being restrained by the enclosure 630 and, therefore, the airbag 630 at its fullest inflated state has a perimeter smaller than the perimeter of the enclosure 632. Thus, the rejection is improper. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 2, 6, and 7 depend from claim 1 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims.

Claims 1, 2, 8-14, and 16 –AAPA, Saiguchi, and Stanger

Claims 1, 2, 8-12, 14, and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant’s Admitted Prior Art (hereinafter “AAPA”) in view of Saiguchi. Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA and Saiguchi in view of U.S. Patent No. 5,979,929 (hereinafter “Stanger”). The rejections should be withdrawn for at least the following reasons.

Independent claim 1 calls for an occupant protection system that comprises, among other things, an airbag disposed between a seat cushion and a seat pan and a bag enclosure with a perimeter that “is smaller than the perimeter of the airbag in a fully inflated condition.” Independent claim 14 calls for an airbag device that comprises, among other things, an airbag and a bag enclosure in which “a circumference of a cross-section of the bag enclosure in the width direction of the seat pan is smaller than a corresponding cross-sectional circumference

of the enclosed portion of the airbag when fully inflated and not enclosed by the bag enclosure." None of the references, taken together or separately, disclose, teach, or suggest the claimed invention.

The Examiner correctly states that AAPA does not disclose a bag enclosure for enclosing the airbag. *See* Final Office Action at p. 5. The Examiner contends that it would have been obvious to modify the airbag arrangement of AAPA to include the enclosure 632 of Saiguchi to provide an airbag 630 that more efficiently restraints movement and absorbs impact energy. *See* Final Office Action at p. 5. However, as mentioned above, Saiguchi fails to disclose, teach, or suggest an enclosure that is smaller than the "perimeter of the airbag in a fully inflated condition" or a circumference of a cross-section of the enclosure to be smaller than a corresponding portion of the airbag "when fully inflated." Stanger fails to cure the deficiencies of AAPA and Saiguchi. Therefore, reconsideration and withdrawal of the rejection of claims 1 and 14 is respectfully requested.

Claims 2, 8-13, and 16 depend from claim 1 or claim 14 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance.

Respectfully submitted,

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By



FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5582
Facsimile: (202) 672-5399

Howard N. Shipley
Attorney for Applicant
Registration No. 39,370